

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ADVANCE CABLE COMPANY, LLC, and
PINEHURST COMMERCIAL INVESTMENTS, LLC,

Plaintiffs,

v.

THE CINCINNATI INSURANCE COMPANY,

Defendant.

OPINION AND ORDER

13-cv-229-wmc

Defendant has asked for a stay of proceedings in this case pending disposition of: (1) its motion to bifurcate, and (2) its motion to dismiss a related case pending in this court. The request for a stay will be denied.

First, defendant argues that the court should stay the action while it decides the motion to bifurcate. This issue is now moot, the court having decided today to partially deny and partially reserve on that motion. (Dkt. #38).

Second, defendant argues that the court should stay this case until it determines whether the case should be consolidated with a similar case also pending in this court. Defendant has not actually filed a motion to consolidate, saying that it will do so as soon as the court decides whether it has jurisdiction over the other case. While the two cases appear to be good candidates for consolidation, defendant does not convincingly explain why allowing this case to proceed alone would create any inefficiencies or interfere with a later consolidation. On the contrary, because they share many common issues, a common defendant and common counsel, there is no reason defendant cannot prepare for both cases at the same time, at least as to the common issues and facts that

predominate, regardless of whether the latter case ultimately proceeds here or in another court. The remaining jurisdictional issues in the other case will be decided shortly, allowing the consolidation question to be addressed sooner rather than later.

ORDER

IT IS ORDERED that defendant The Cincinnati Insurance Company's motion to stay is DENIED.

Entered this 26th day of July, 2013.

BY THE COURT:

/s/_____
WILLIAM M. CONLEY
District Judge